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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,960	03/14/2001	Koki Kanda	2803.65313	3697

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EXAMINER

BLOUIN, MARK S

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/805,960	Applicant(s) KANDA, KOKI	
	Examiner Mark Blouin	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-8,13-15 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,9-12,16, and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-8,13-15, and 18-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Continued Prosecution Application

1. The request filed on May 5, 2004 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/805960 is acceptable and a CPA has been established. An action on the CPA follows.

Response to Amendment

2. The reply filed 10 November 2003 was applied to the following effect: Claims 4,5,9-12,16, and 17 are cancelled and Claims 1-3,6-8,13-15, and 18-21 are amended.

Claim Rejections - 35 USC § 102

3. The following is a quotation of 35 U.S.C. 102(e) which forms the basis for all obviousness rejections set forth in this Office action:

((e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3,6-8,13-15, and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Koishi et al (USPN 6,349,018).

5. Regarding Claims 1,13,and 21, Kioshi et al shows (Fig. 1) a magnetic disk drive unit comprising in a box body, a spindle motor (120 for rotating at least one disk medium and a head slider comprising in turn head for reading data from and writing data to a disk medium, a head slider being mounted via head suspension on a distal end portion of a carriage which is driven by a voice coil motor and able to perform seeking relative to recording tracks formed on a disk medium. Kioshi et al also shows a head slider (Fig. 2) for use in a disk drive unit wherein flat air

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bearing portions (Fig. 2, (25a, 25b)) are formed in parallel on both sides of a surface of the head slider which flies above a disk medium at an air outflow end (20) thereof in such a manner that the air bearing portions are raised from a main body (14) of the head slider, a head portion comprising head elements (28), a first protection film portion (Col 9, lines 12-15; tops of the rails are protected by DLC layer (43)) for protecting the head elements provided adjacent to an air outflow end of one of the air bearings portions, a dummy head portion (23 – includes surface 25b) comprising only a second protection film portion (Col 9, lines 12-15; tops of the rails are protected by DLC layer (43)) is provided adjacent to an air outflow end of another of the air bearing portions, top surfaces of the head portion and dummy head portion (Col 10, lines 23-30; by 27b,27c) being formed lower by a step with respect to the main slider head body than top surfaces (25a,25b) of the air bearing portions, a third protection film portion (Fig. 8, (45)) formed adjacent to the first and second protection film portions, the top surfaces of the head portion and dummy head portion being formed between the top surfaces of the air bearing portions and the third protection film portion (Fig.8).

6. Regarding Claims 2 and 14, Kioshi et al shows a head slider (Fig. 2), wherein the distance in a longitudinal direction of the head slider of an area of the top surface (25b) of the head portion is substantially equal to a distance in the longitudinal direction of an area of the top surface of the dummy head portion (25a).

7. Regarding Claims 3 and 15, Kioshi et al shows a head slider (Fig. 2), wherein a distance in a longitudinal direction of the head slider of an area of the top surface (25a) of the dummy head portion is longer than a distance in the longitudinal direction of an area of the top surface (25b) of the head portion (Figs. 12-15).

8. Regarding Claims 6 and 18, Kioshi et al shows (Fig. 2) a head slider, wherein the top surfaces of the head portion and the dummy head portion are substantially level with the flying height of the surface of the head slider main body which flies above the disk medium.

9. Regarding Claim 7 and 19, Kioshi et al shows (Fig. 2) a head slider, wherein the top surfaces of the head portion and the dummy head portion are positioned higher than the flying height of the surface of the head slider main body which flies above the disk medium.

10. Regarding Claims 8 and 20, Kioshi et al shows (Fig. 2) a head slider, wherein a plurality of pads (31a-d) are provided on the surface of the head slider main body which flies above the disk medium for avoiding a sticking of the head slider to the disk medium when the disk medium is at a stop.

Response to Arguments

11. Applicant's arguments with respect to claims 1-3, 6-8, 13-15, and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

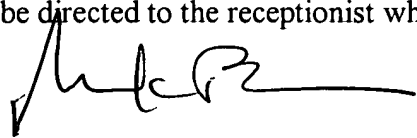
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gopinathan et al (USPN 6,433,965), Kameyama (USPN 6,351,345), Boutaghou et al (USPN 6,462,909), Anaya-Dulfresne et al (USPN 6,144,528) are cited to show slider of similar air bearing surface configurations and the use of protection films.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Blouin whose telephone number is (703) 305-5629. The examiner can normally be reached M-F, 6:00 am – 3:30 pm.

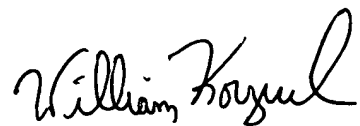
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If attempts to reach the examiner by telephone are unsuccessful the examiner's supervisor, William Korzuch can be reached at (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314 for regular and After Final communications.

Any inquiry of general nature or relating to the status of application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Mark Blouin
Patent Examiner
Art Unit 2653
May 26, 2004



WILLIAM KORZUCH
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